

REMARKS

I. INTRODUCTION

Claims 1, 2, 4-13, and 15-17 have been amended. These amendments have been made to correct minor informalities and address §112 issues. Thus, claims 1-17 remain pending in the present application. No new matter has been added. In light of the above amendments and the following remarks, Applicants respectfully submit that all presently pending claims are in condition for allowance.

II. THE 35 U.S.C. § 112 REJECTION SHOULD BE WITHDRAWN

Claim 13 stands rejected under 35 U.S.C. §112, second paragraph, for being indefinite. In light of the amendment to this claim, the withdrawal of this rejection is respectfully requested.

III. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 1-14 and 16-17 stand rejected under 35 U.S.C. §103(a) for being obvious over Kodden et al. (International Publication No. WO 03/055366) in view of Anderl (German Publication No. DE 3346280).

Claim 1 recites "A beverage maker comprising: a beverage preparation chamber in which beverage can be prepared; a hot water delivery system for delivering hot water to the beverage preparation chambers; a discharge opening for discharging prepared beverage from the beverage preparation chamber; multiple beverage collection chambers for receiving prepared beverage discharged through the discharge opening; and one or more outlets for dispensing beverage from the beverage collection chambers into a cup for drinking, *wherein the alignment of the beverage collection chambers relative to the discharge opening is adjustable to position any of the beverage collection chambers to receive beverage from the discharge opening instead of the other beverage collection chambers.*"

The Examiner correctly acknowledges that Kodden fails to disclose or suggest multiple beverage collection chambers. (See 5/13/09 Office Action, p. 4). To cure the deficiencies of Kodden, the Examiner relies on Anderl. Anderl discloses a coffee-making machine that has a brewing unit and at least two supply containers. When the coffee in the first container drops below a certain level, the second container is provided with coffee. Anderl does this so that the disbursement of coffee is not interrupted when one of the supply chambers needs to be cleaned. (See Anderl, Abstract). However, as also conceded by the Examiner, Anderl fails to teach that *the alignment of the beverage collection chambers relative to the discharge opening is adjustable to position anyone of the beverage collection chambers to receive beverage from the discharge opening instead of the other beverage collection chamber(s)*. (See 5/13/09 Office Action, p. 5).

To cure this deficiency, the Examiner states that “the system taught by Anderl performs the same function equally well.” (See Id.). Applicants respectfully disagree. Initially, it is clear from the language of claim 1 that the collection chambers are moved with respect to the discharge opening so that one of the collection chambers receives a beverage instead of the others. Anderl fails to disclose or suggest this function and the Examiner correctly admits this deficiency. (See Id.). Therefore, it is respectfully submitted that the coffee-making machine of Anderl is structurally different than the claimed invention.

Applicants respectfully submit that both Kodden and Anderl fail to disclose or suggest that *“the alignment of the beverage collection chambers relative to the discharge opening is adjustable to position any of the beverage collection chambers to receive beverage from the discharge opening instead of the other beverage collection chambers,”* as recited in claim 1. It is, therefore, respectfully submitted that claim 1 and its dependent claims 2-14 are allowable.

Independent claims 16 and 17 recite limitations substantially similar to those of claim 1. Thus, it is respectfully submitted that these claims are also allowable for at least the foregoing reasons presented with regards to claim 1.

Claim 15 stands rejected under 35 U.S.C. §103(a) for being obvious over Kodden in view of Anderl and further in view of Sargent et al. (U.S. Patent No. 6,758,130).

Applicants respectfully submit that Sargent fails to cure the above mentioned deficiencies of Kodden in view of Anderl and that Kodden, Anderl, and Sargent, taken alone or in any combination, fail to disclose or suggest “*the alignment of the beverage collection chambers relative to the discharge opening is adjustable to position any of the beverage collection chambers to receive beverage from the discharge opening instead of the other beverage collection chambers,*” as recited in claim 1. Because claim 15 depends on and, therefore, contains all of the limitations of claim 1, it is respectfully submitted that claim 15 is allowable.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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By: _____

A handwritten signature in black ink, appearing to read "MJ Marciniak", written over a horizontal line.

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